

EXHIBIT 11

WEATHERFORD DECLARATION IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

E: HIGH-TECH EMPLOYEE)
TRUST LITIGATION)
) No. 11-CV-2509-LHK
DOCUMENT RELATES TO:)
ACTIONS.)

VIDEO DEPOSITION OF WILLIAM CAMPBELL

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February 5, 2013

Reported by: Anne Torreano, CSR No. 10520

1 I -- you know, you look at the second two
2 bullets, we accept internal, external references,
3 referrals I think they mean, accept direct solicitation
4 from a candidate, but ...

5 BY MR. HEIMANN:

6 Q. I think the real question is -- I don't mean
7 to interrupt you.

8 A. I'm just trying -- I'm trying to piece
9 together what you want me to look at here, so they --

11:08:45 1 0 MR. MITTELSTAEDT: Why don't we let him ask.

1 1 BY MR. HEIMANN:

1 2 Q. Yeah, I'm focusing on your best recollection.

1 3 That's all.

1 4 A. Yeah.

11:08:50 1 5 Q. And obviously I'm putting these documents in
1 6 front of you in the hope or -- that they'll help you.
1 7 If they don't, they don't, and, you know, that's the
1 8 answer.

1 9 So the question is -- the question is, do you
11:09:05 2 0 recall being aware of the agreement that the EMG made
2 1 with respect to the cold-calling into these companies?

2 2 MR. MITTELSTAEDT: As reflected in Exhibit
2 3 561?

2 4 MR. HEIMANN: Yes.

11:09:17 2 5 MR. MITTELSTAEDT: And I object to the first

1 part as argumentative.

2 MR. RUBIN: And lacks foundation.

3 MR. HEIMANN: Okay. I don't understand that.

4 BY MR. HEIMANN:

5 Q. But as long as you understand the question.

6 You got the question?

7 A. I was aware that Apple and -- that Google had
8 a formal agreement -- a formal agreement -- a formal --
9 "informal" and "agreement" is a contradiction in

11:09:46 1 0 terms. So that there was an agreement made to this
1 1 end, it seems like. That's what it says there from
1 2 Shona. And I was aware of that.

1 3 So yes, I was aware of that.

1 4 And so now, what is the follow-on?

11:10:08 1 5 Q. No, no. You're good. That's the answer to
1 6 the question I was interested in.

1 7 Did you understand that the agreement with
1 8 Apple was reciprocal, that Apple had agreed in turn
1 9 that it wouldn't do that with Google?

11:10:20 2 0 A. No, I've not been -- I'm not aware of that at
2 1 all. I mean, I don't know -- I don't know that it was
2 2 or wasn't. You know, whether there was a reciprocal --
2 3 you know, what I read here and what I knew then was
2 4 that Google made an agreement.

11:10:40 2 5 Q. Well, who did it make the agreement with?

1 A. Sounds like -- sounds like Google made an
2 agreement among themselves that this is what they would
3 do. This is their procedure.

4 Q. That's your interpretation of what's in the
5 document?

6 A. That is correct. Because I was not in the
7 meeting where they discussed this.

8 Q. How do you know that?

9 A. I don't remember that, so I'm -- you know. I
11:11:10 1 don't know. I could have been in the meeting. I might
1 have been, but I doubt it. If I had, I would remember
1 something about that.

1 3 Q. Let's go to 563.

1 4 A. Should I keep these other ones available
11:11:55 1 here? No?

1 6 Q. You might want to keep them handy. We'll give
1 them back to you if we need them.

1 8 A. Okay.

1 9 Q. All right, sir.

11:12:23 2 0 So this is an e-mail, "Subject: Google," from
2 Danielle Lambert or "Lambert." I'm not sure how to
2 pronounce that.

2 3 Do you know who that person is?

2 4 A. I do.

11:12:36 2 5 Q. Who was it?

1 A. She at that time was the VP of recruiting at
2 Apple.

3 Q. And how did you know that?

4 A. I was on the Apple board.

5 Q. How senior a position was that at Apple?

6 A. Not on Steve's staff.

7 Q. Not on Steve's staff?

8 A. Not on Steve's staff.

9 Q. One step below?

11:12:55 1 0 A. One step below.

1 1 Q. Okay. And she's writing to
1 2 usrecruitingall@group.apple.

1 3 Do you know what that is?

1 4 A. No. You can make the same assumption that I
11:13:09 1 5 could.

1 6 Q. Which is the recruiters at Apple?

1 7 A. Correct.

1 8 Q. All right. She says in this e-mail -- and by
1 9 the way, the e-mail is dated February 26th, 2005.

11:13:17 2 0 Do you see that?

2 1 A. Yes.

2 2 Q. So just a week or two after the exchange we're
2 3 looking at a moment ago that was internal at Google;
2 4 right?

11:13:27 2 5 A. Yes.

1 on them, but nonetheless, do you recognize any of the
2 names on this -- I'm sorry, 669. It's an e-mail from
3 Patrick Burke to a host of people here. "Subject:
4 Do-Not-Call List."

5 Any of those folks you recognize?

6 MR. MITTELSTAEDT: Recognize what?

7 MR. HEIMANN: The names.

8 THE WITNESS: Recognize the names in the
9 header.

01:22:02 1 0 MR. MITTELSTAEDT: Oh, oh.

1 1 THE WITNESS: No.

1 2 BY MR. HEIMANN:

1 3 Q. And in part, the e-mail reads -- there's a
1 4 number of companies identified: Adobe, Garmin, Google,
01:22:15 1 5 Intuit. "If they approach us, then it's okay, so this
1 6 says. Don't stretch this rule. Have something
1 7 documented that they came to us."

1 8 And then dropping down a bit, there's a line
1 9 that reads, "History updated November 24, 2008.

01:22:30 2 0 Do-Not-Call List" in big, bold letters. And then, "For
2 1 any company on this list," and there are several bullet
2 2 points here, and then there are a list of companies,
2 3 beginning with Adobe, and then going on down the second
2 4 page, they include, among others, Google, Intel at
01:22:51 2 5 executive level, Intuit, Pixar, et cetera.

1 Do you see all that?

2 A. I do.

3 Sorry, Bob. Don't nod. Okay. Got it.

4 Q. Were you aware at this time, at or about this
5 time, that Apple had a do-not-call list that included
6 all of these companies?

7 A. I did not, no.

8 Q. Did you know whether Apple had
9 do-not-call -- strike that.

01:23:23 1 0 Did you know whether Apple had a do-not-call
1 list at all?

1 2 A. Did not know until today.

1 3 Q. You did not see this getting ready for my
1 deposition?

01:23:34 1 5 A. I did not see this getting ready for my
1 deposition.

1 7 THE WITNESS: You're slipping.

1 8 BY MR. HEIMANN:

1 9 Q. Well, Intuit's on here. That's a surprise?

01:23:46 2 0 A. Yeah, actually. But all -- every board member
2 is represented, company is represented there.

2 2 Q. I'm sorry. Explain that.

2 3 A. Apple's board companies are represented
2 there. Board members' companies are represented on

01:24:06 2 5 this list.

1 Q. So -- I'm sorry. I want to make sure I
2 understand what you're saying.

3 You're saying that every one of these
4 companies had somebody from their company on Apple's
5 board?

6 A. No, I said that there are companies on here,
7 like Genentech. Art Levinson's on Apple's board.

8 Q. Okay.

9 A. Google. Eric Schmidt was on Apple's board.

01:24:27 1 0 Intuit. Bill Campbell's on Apple's board. J. Crew.
1 Mickey Drexler's on Apple's board.

1 2 So there's some of them just because they're
1 3 board members.

1 4 Q. I didn't understand Intuit.

01:24:39 1 5 A. I'm on Apple's board.

1 6 Q. Gotcha. Okay.

1 7 So are you suggesting that's the reason that
1 8 those companies are on the list?

1 9 MR. TUBACH: Calls for speculation.

01:24:48 2 0 THE WITNESS: It does call for speculation.

2 1 It was just my assumption.

2 2 MR. HEIMANN: Okay.

2 3 THE WITNESS: I mean, I'm not trying to be
2 4 expansive, believe me. I have no idea. I never saw

01:25:05 2 5 this list before, ever.

1 BY MR. HEIMANN:

2 Q. I understand you never saw the list, but I
3 just want to be clear that we -- setting aside the
4 actual list itself, you just didn't know that Apple had
5 a list?

6 A. I did not know, no.

7 Q. Now I want to avoid using the word "list."

8 Did you know Apple had any understanding or
9 agreements with any of the companies that you see on

01:25:25 10 this list not to solicit their employees?

11 A. No.

12 Q. Does it surprise you, as a member of the
13 board, that you were not aware of that?

14 MR. MITTELSTAEDT: Object. Argumentative.

01:25:40 15 THE WITNESS: No, it doesn't surprise me at
16 all.

17 BY MR. HEIMANN:

18 Q. And why is that?

19 MR. MITTELSTAEDT: Same objection.

01:25:45 20 THE WITNESS: Board members don't get down
21 into this level of detail.

22 BY MR. HEIMANN:

23 Q. So if we go to Exhibit 243 -- and I ask
24 because this is a little bit later in time. Now we're
01:26:17 25 looking at a document that apparently was generated in

1 July of 2009. The earlier one was from December of
2 2008.

3 And I see -- I haven't actually compared them
4 one for one, but I see Palm on this Exhibit 243 and I
5 don't believe it's on Exhibit 669. There may be
6 others. I'm not sure.

7 But in any event, would your answers about
8 this list be the same as you gave me about the other
9 one?

01:26:48 1 0 A. I'm not sure I gave you an answer, but I've
1 1 never seen any of these before, no.

1 2 Q. Never seen the document and -- right?

1 3 A. The names of the companies, or didn't even
1 4 know there was such a list.

01:27:02 1 5 But it does reinforce my view of the common
1 6 board members, the board member thing.

1 7 Q. With respect to which companies?

1 8 A. Genentech, Intuit, J. Crew.

1 9 Q. How do you explain all the others?

01:27:32 2 0 A. I don't know. I mean, I don't know how the
2 1 lists get made up. There must be some competitive
2 2 reason they put some in parens on the back page here.

2 3 MR. MITTELSTAEDT: Move to strike the answer,
2 4 only to interpose the objection that the question is

01:27:48 2 5 argumentative.

REPORTER'S CERTIFICATE

I, Anne Torreano, Certified Shorthand Reporter
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In witness whereof, I have subscribed my name
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[] Reading and Signing was requested.

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[X] Reading and Signing was not requested.

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